

REMARKS

Claims 1-3, 8, 10-12, 14, 18-29, 34, 36 -40, 44-51, 61, and 67-68 are rejected under 35 USC 103 (a) as being unpatentable over US patent number 5, 732, 398 to Tagawa in
5 view of "Smart tips make Oz travel easier."

Applicant respectfully disagrees.

10 With regard to Claim 1, the Examiner states that " Tagawa does not expressly disclose any context determination module." The Examiner goes on to state that, nonetheless, such module is obvious in view of Tagawa's disclosure. Applicant has carefully reviewed the entirety of Tagawa and is unable to find any teaching or suggested that a context module could be provided that is "configured to determine a context from said received request for travel information automatically..." In particular, there is no teaching
15 or suggestion that an automatic determination may be made from a phrase, and whether the phrase corresponds to an interest or to a destination.

To clarify this aspect of the invention, Applicant has amended the claims indicate that such determination of phrase, with regard to context referring to interest or destination,
20 is made simultaneously. Support for this amendment occurs, for example, on page 7, at lines 21-22, where Applicant teaches "As the end-user types in the word or phrase about which information is requested, the search mechanism figures out the appropriate category." From the foregoing, as well as elsewhere in this specification, it can be seen that the context determination in connection with the claimed invention is performed
25 simultaneously with regard to interest and destination. No such mechanism is taught or suggested in cited art.

Applicant has considered the Examiner's statements on page 3 of the Office Action carefully. The Examiner asserts that when the user selects a destination, such as
30 Hawaii, that a context is automatically determined. However, in this example, the user determines context when entering the term "Hawaii." Thus, there is no automatic or

independent determination of context, but rather a user driven search mechanism is provided. Accordingly, Applicant does not understand how the Examiner's statement demonstrates that the claimed invention is taught or suggested in any way by Tagawa.

5 Tagawa provides a system of that processes a user through a dialogue to help a user determine an appropriate travel-related service or product. Thus, Tagawa queries the user as to travel knowledge and with regard to personal attributes. In so doing, Tagawa develops a profile for the user and can then make recommendations to the user. In such system, there is no context determination performed an automatic action. Rather, user
10 responses to be various questions presented produce a profile.

The Examiner refers to column 4, in part, in support of his reasoning. However, the portion of the reference relied upon by the Examiner teaches a conventional, user-driven, search mechanism. For example, in column 4 the user is asked to input dates
15 and the system then finds travel that is available on those dates. There is no determination made between interest and destination in this regard. The user has already selected a destination and interest and the system merely matches the user's interest to travel to a particular destination on a particular date with availability on that date. Accordingly, Applicant finds the Tagawa reference to be irrelevant to the invention
20 as claimed.

in addition to conceding that Tagawa has not disclosed a context determination module, and in this regard not citing any other reference for this proposition, the Examiner has also conceded that Tagawa does not teach "that the context determination module
25 processes the user entered phrase to determine if the phrase corresponds to an interest or destination." For this proposition, the Examiner relies on the Smart Trip reference. However, the Smart Trip reference teaches that users can "key in the trip details, interests and hobbies and Smart Trip recommend the best way to get to a destination and places of interest along the way." Accordingly, there is nothing in the Smart Trip
30 preference that teaches or suggests context determination or whether a phrase corresponds to an interest or destination. Rather, Smart Trip specifically teaches that a

user keys in their interests and destinations and using these user determined interest and destination information, Smart Trip will put together an itinerary for a user. One skilled in the art, further, finds no teaching in Smart Trip as to how such a system would be implemented, even if it did teach context determination. As such, Smart Trip is irrelevant to the invention as claimed and adds nothing to the defective teaching of Tagawa.

It has always been the case that proposed combinations of references must teach each and every element of the claimed invention to establish a *prima facie* showing of obviousness. Further, as recently as the KSR decision, the Supreme Court has warned against the use of hindsight bias ("a fact finder should be aware, of course, of the distortion caused by hindsight bias...").

Thus, the Examiner has not established any teaching of a context determination module that determines from a phrase whether the context of the phrase corresponds to an interest or destination, where a searching module performs a search based on both a query and the context of the query. The Examiner refers to column 14 of Tagawa in connection with context, arguing that because a person located Hawaii is offered to packages in Hawaii the system must be determining context as claimed by Applicant. However, in this example, the context is predetermined by the user's location. There is no independent determination of context after user phrases are entered. Rather, the context is known in advance of the phrase being entered by the fact that the query originates in Hawaii. This is in contradistinction to the claimed invention, where context is determined automatically and used in connection with a search query to produce a search result.

The Examiner has failed to address in his analysis the fact that the search in the present invention proceeds upon the determination of context and uses determined context, as well as the search phrase, to conduct a search and produce search results. As discussed above, Tagawa is not intended for this purpose. Rather, Tagawa provides a dialogue that learns about the user. Once the system has been taught by the user, the

system can then advise the user. The claimed invention does not use this mechanism.

In view of the foregoing, Applicant respectfully submits that the Examiner has not established a *prima facie* showing of obviousness. Applicant takes this position based upon the failure of the Examiner to provide a combination of references that teaches each and every element of the claimed invention. The Examiner has overlooked in the plain language of Applicant's claims and has unduly and erroneously broadened Applicant's claims, using a hindsight construction, to read Applicant's claims on the Examiner's proposed combination of references. Applicant respectfully requests that the Examiner reconsider this rejection in view of the foregoing comments and in view of Applicant's claim amendment.

Applicant notes that with regard to the various dependent claims rejected by the Examiner, the Examiner has not established any correlation between the limitations of Applicant's dependent claims and the cited portions of Tagawa used by the Examiner in formulating these rejections. Accordingly, Applicant formally objects to each of the rejections raised by the Examiner with regard to the dependent claims. In many cases, Applicant is entirely unable to see any remote relation between Applicant's claim limitations and the citations to Tagawa made by the Examiner. Applicant is therefore unable to understand these rejections. It is incumbent upon the Examiner to provide some detail with regard to these rejections to allow the Applicant to make a proper response to these rejections. Applicant is of the opinion that the rejections of the dependent claims are moot in view of the perceived allowability of Applicant's independent claims. However, should the Examiner maintain his rejections of the independent claims, then Applicant requests that the Examiner provide some meaningful discussion with regard to the pending claims to allow Applicant understand the reasoning for the rejection thereof.

CONCLUSION

In view of the above, the Application is deemed to be in allowable condition. The Examiner is therefore earnestly requested to withdraw all outstanding rejections, allowing the Application to pass to issue as a United States Patent. Should the Examiner have any questions regarding the application, the Examiner is respectfully urged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,



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